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13 Attorneys for Plaintiff,
14 Thomas Pizer

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 Thomas Pizer,

18 Plaintiff,

19 vs.

20 Freedom Debt Relief LLC,

21 Defendant.

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

**1. THE TELEPHONE CONSUMER
PROTECTION ACT;**

JURY TRIAL DEMANDED

1 Plaintiff, Thomas Pizer (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against Freedom Debt Relief LLC (hereafter “Defendant”)
3 and alleges as follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the
7 Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA”).
8

9 2. Jurisdiction of this Court arises under 47 U.S.C. § 227(b)(3).
10

11 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
12 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
13 where Defendant transacts business in this district.
14

15 **PARTIES**

16 4. Plaintiff is an adult individual residing in Raleigh, North Carolina, and is
17 a “person” as defined by 47 U.S.C. § 153(39).
18

19 5. Defendant is a business entity located in San Mateo, California and is a
20 “person” as the term is defined by 47 U.S.C. § 153(39).
21

22 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

23 6. At all times mentioned herein where Defendant communicated with any
24 person via telephone, such communication was done via Defendant’s agent,
25 representative or employee.
26
27
28

1 7. At all times mentioned herein, Plaintiff utilized a cellular telephone
2 service and was assigned the following telephone number: 617-xxx-1081 (hereafter
3 “Number”).
4

5 8. The aforementioned calls were placed using an automatic telephone
6 dialing system (“ATDS”) and/or by using an artificial or prerecorded voice
7 (“Robocalls”).
8

9 9. When Plaintiff answers Defendant’s calls, he hears a prerecorded
10 message identifying Defendant and requesting that Plaintiff hold the line for the next
11 available representative.
12

13 10. On or about August 3, 2019, during a live conversation, Plaintiff
14 requested that Defendant cease all further calls to his Number.
15

16 11. Ignoring Plaintiff’s request, Defendant continued to call Plaintiff’s
17 Number in an excessive and harassing manner.
18

19 12. Defendant’s calls directly and substantially interfered with Plaintiff’s
20 right to peacefully enjoy a service that Plaintiff paid for and caused Plaintiff to suffer
21 a significant amount of anxiety, frustration and annoyance.
22

23
24 **COUNT I**
25 **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT, 47**
26 **U.S.C. § 227, et seq.**

27 13. Plaintiff incorporates by reference all of the above paragraphs of this
28 complaint as though fully stated herein.

1 14. The TCPA prohibits Defendant from using, other than for emergency
2 purposes, an ATDS and/or Robocalls when calling Plaintiff's Number absent
3 Plaintiff's prior express consent to do so. *See* 47 U.S.C. § 227(b)(1).

5 15. Defendant's telephone system has the earmark of using an ATDS and/or
6 using Robocalls in that Plaintiff, upon answering calls from Defendant, heard a
7 prerecorded message and had to wait on the line before being connected with a live
8 representative.

10 16. Defendant called Plaintiff's Number using an ATDS and/or Robocalls
11 without Plaintiff's consent in that Defendant either never had Plaintiff's prior express
12 consent to do so or such consent was effectively revoked when Plaintiff requested that
13 Defendant cease all further calls.

15 17. Defendant continued to willfully call Plaintiff's Number using an ATDS
16 and/or Robocalls knowing that it lacked the requisite consent to do so in violation of
17 the TCPA.

18 18. Plaintiff was harmed and suffered damages as a result of Defendant's
19 actions.

20 19. The TCPA creates a private right of action against persons who violate
21 the Act. *See* 47 U.S.C. § 227(b)(3).

22 20. As a result of each call made in violation of the TCPA, Plaintiff is
23 entitled to an award of \$500.00 in statutory damages.

21. As a result of each call made knowingly and/or willingly in violation of the TCPA, Plaintiff may be entitled to an award of treble damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant for:

- A. Statutory damages of \$500.00 for each call determined to be in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3);
- B. Treble damages for each violation determined to be willful and/or knowing under the TCPA pursuant to 47 U.S.C. § 227(b)(3);
- C. Punitive damages; and
- D. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: November 15, 2019

TRINETTE G. KENT

By: /s/ Trinette G. Kent
Trinette G. Kent, Esq.
Lemberg Law, LLC
Attorney for Plaintiff, Thomas Pizer